

REMARKS

This application has been reviewed in light of the Office Action dated July 2, 2004. Claims 1-18 are presented for examination, of which Claims 1, 8 and 15 are in independent form. Claims 16-18 have been added to provide Applicant with a more complete scope of protection. Claims 1, 6-8, 14 and 15 have been amended to define still more clearly what Applicant regards as his invention. Favorable reconsideration is requested.

Claims 1, 4-8 and 11-15 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 6,657,743 B1 (Otsuka et al.). In addition, Claims 2 and 9 were rejected under 35 U.S.C. § 103(a) as being obvious from *Otsuka '743* in view of U.S. Patent 5,748,915 (Iijima), and Claims 3 and 10, as being obvious from U.S. Patent 6,522,429 (Endo).

As is discussed in Applicant's specification, the present invention is directed to improving facsimile communication performed over the Internet. Such communication is known, using ITU-T Recommendation T.38, as is normal facsimile communication that utilizes a public switched telephone network (PSTN). In conventional facsimile communication that uses the Internet, performance parameters such as transmission speed and delay time are fixed (for example, if Recommendation T.38 is followed, then these parameters are fixed by ITU-T Recommendation T.30). Also, in conventional Internet-based facsimile communication, because there are both a communication between the transmitting-side facsimile apparatus and an emitting gateway, and another communication between the receiving gateway and the receiving-

side facsimile apparatus, communication errors are apt to increase beyond the level encountered otherwise.

Independent Claim 1 is directed to a communication method for selectively performing real-time facsimile communication via the Internet and facsimile communication without the Internet. According to Claim 1, a communication parameter is changed based on whether real-time facsimile communication via the Internet or facsimile communication without the Internet is to be performed.

Otsuka '743 relates to a mail-type Internet facsimile system, in which a terminal automatically prints received information that meets certain criteria, thus obviating the need for an operator to view a received message and approve it for printing. The *Otsuka '743* terminal moreover has the ability to process both G-3 and TIFF format information in the manner described. Fig. 5, for example, illustrates the processing for such printing. If e-mail has been received, it is stored, and determinations are made as to whether there is an attached file, and as to format. Then, printing is instructed, and the data is read and printed. Fig. 9, cited in the Office Action, relates to determination as between G-3 and TIFF format. Applicant submits, however, that nothing has been found, or pointed, out, in *Otsuka '743* that would teach or suggest any arrangement capable of performing *real-time* facsimile communication using the Internet, as in Claim 1. For at least that reason, Claim 1 is believed to be clearly allowable over *Otsuka '743*.

Moreover, even if *Iijima* and *Endo* are deemed to show all that they are cited for, and even assuming the proposed combinations of those documents with *Otsuka* '743 would be proper ones, such combinations would not provide what is missing from *Otsuka* '743 as a reference against Claim 1.

Independent Claims 8 and 15 are respectively an apparatus and a memory-medium claim corresponding to method Claim 1, and are also allowable by virtue of at least the reasons advanced above with regard to Claim 1.

A review of the other art of record has failed to reveal anything which, in Applicant's opinion, would remedy the deficiencies of the art discussed above, as references against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other rejected claims in this application depend from one or another of the independent claims discussed above and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

A handwritten signature in cursive script, reading "Leonard P. Diana".

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